

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
v.) **No. 1:07CR412-1**
)
)
MARKO RUDI,)
)
)
Defendant,)
)
)
and)
)
FIDELITY WORKPLACE)
SERVICES, LLC,)
)
Garnishee.)

RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

A Writ of Garnishment, directed to Garnishee, has been duly issued and served upon the Garnishee. Pursuant to the Writ of Garnishment, Fidelity Workplace Services, LLC, filed an Answer of the Garnishee at the Direction of Plan sponsor, Rockwell Automation and Triangle Institute, on October 18, 2010, setting forth that Fidelity is the administrative record keeper for a Rockwell Automation Salaried Plan in which the Defendant has an account with a balance of \$7,219.74 as of October 11, 2010 and that Fidelity is the administrative record keeper for the Triangle Institute Plan in which the Defendant has an account with a balance of \$30,784.74 as of October 11, 2010.

That on October 18, 2010, Fidelity Investments filed its Answers setting forth that the Garnishee is in custody, control or possession of account number XXX-XX0847 with a balance of \$15.48.

On October 20, 2010, Defendant, Marko Rudi, was notified of his right to a hearing and on October 22, 2010, the Defendant, Marko Rudi, filed a Motion for hearing on exemptions regarding the property subject to garnishment.

That on July 19, 2011, the Recommendation of United States Magistrate Judge was entered recommending that Defendant's motion for hearing on exemptions be denied and that the Defendant's interest in the investment accounts identified in the answers be held subject to garnishment. On October 17, 2011, the court adopted the Magistrate Judge's recommendation denying the Defendant's motion for hearing on exemptions and ordering that Defendant's interest in the investment accounts identified in the answers to the writs of garnishment be held subject to garnishment.

IT IS RECOMMENDED that Garnishee pay to Plaintiff the Defendant's interest in a Rockwell Automation Salaried Plan with a balance of \$7,219.74 as of October 11, 2010, Defendant's interest in the Triangle Institute Plan account with a balance of \$30,784.74 as of October 11, 2010, and Defendant's interest in account number XXX-XX0847 with a balance of \$15.48 as of October 18, 2010.

The garnishment checks should be made payable to the United States District Court and mailed to P.O. Box 2708, Greensboro, NC 27402.

IT IS SO RECOMMENDED.

This the 9th day of November, 2011.

/s/ P. Trevor Sharp

United States Magistrate Judge